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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Dongchul D. HYUN	
Serial No. 09/867,148	Art Unit: 3742
Filed: May 29, 2001	Examiner: Campbell, Thor S.
For: BLOOD DRAWING SYSTEM	Atty Docket: 0100/0151

RESPONSE

Commissioner for Patents
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Total Pages: 4

Sir:

The following is a response to the Office Action dated October 21, 2003.

Claims 1, 2, 5 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by Blecher et al. U.S. patent 5,395,347.

Applicant respectfully traverses the examiner's rejection as follows.

Figs. 1 and 2 of the specification of the instant invention illustrate the invention as set forth in claims 1 and 24. Note that a first collection vessel, which may be a syringe such as 16 shown in Figs. 1 and 2, collects blood from the patient via a first conduit. Note further that a second conduit connects a hollow shaft member, or a needle, such as for example 22 shown in Fig. 1, so that the blood collected in the blood collection vessel may be transferred to the hollow shaft or needle when the

first conduit or fluid path is closed and a positive pressure is applied in the collection vessel. See in particular Fig. 2.

In contrast, Blecher discloses a system, as best shown in Fig. 3, that has a needle 40 that, by means of tubings and a Y-connector 52, feeds the blood collected from the patient to either a blood bag 58 or a blood collection tube 64. The blood that is collected into a vacuum tube inserted to the blood collection holder 64 is meant to be used as samples for testing the integrity of blood. As specifically disclosed in column 8, lines 8-15, Blecher teaches that blood is collected into the blood bag 58, and after the clamp 70 is shut, the needle 68 in the blood collection holder 64 is open to a collection tube so that a desired blood sample may be withdrawn from the patient into the vacuum tube. Thus, there clearly is no disclosure or teaching in Blecher of the transferring of previously collected and stored blood to a different needle. Moreover, there is no disclosure or suggestion in Blecher of any third conduit as set forth in claim 1 or the application of a positive pressure as set forth in claims 1 and 24.

In view of the above, it is respectfully submitted that Blecher does not anticipate, or render as obvious, the claimed invention as set forth in claims 1-2, 5 and 24.

Claims 1-6 and 28-30 were rejected under 35 U.S.C. 102(b) as being anticipated by Caldwell et al. U.S. patent 4,935,009.

Caldwell discloses an injection system that is used to forcibly inject medication to a patient. As best shown in Fig. 1, a syringe 30, which is used to apply pressure to the system, has connected to its outlet body 6 an upstream tubing 20 and a downstream tubing 60. Respective check valves 25 and 50 are provided at separate

points of outlet body 16 for connection with upstream tubing 20 and downstream tubing 60, respectively. The one-way check valve 50 prevents fluid traversing from downstream tubing 60 from flowing into upstream tubing 20, or into syringe 30. Indeed, check valve 50 is used to prevent the medication ejected from needle 74 (Fig. 3) from back-flowing into outlet body 16 of syringe 30. Thus, with the set up of the Caldwell system as shown in Fig. 1 and more particularly shown in Fig. 6, the fluid from the fluid reservoir 10, which is used to flush the medication from 74 into the patient, can only go one way. Column 9, lines 15-25 describes the injection process utilizing the Caldwell system.

In contrast, claims 1 and 6 each specifically recite that blood is drawn from a blood vessel. That certainly is not the case with respect to the Caldwell system, which is meant to forcibly inject medication into the patient. Further, Caldwell does not disclose any collection vessel for receiving blood from the patient. Nor does Caldwell disclose or suggest any conduit that allows fluid communication with the collection vessel. This is clear inasmuch as the Caldwell system has a check valve 50 that prevents any back-flow of fluid into syringe 30. Caldwell is even further removed from the invention as set forth in claims 28 and 30 inasmuch as there are no closure members disclosed in the Caldwell system that when operated in their appropriate positions, would allow fluid to be collected into a syringe [claim 28] or a fluid store [claim 30]. As was noted previously, Caldwell discloses a system that is meant to force fluid into the patient, not collecting it from the patient, let alone storing any collected blood from the patient into a syringe or a fluid store.

In view of the above, it is respectfully submitted that the claimed invention, as set forth in claims 1-6 and 28-30 each are patentable over Caldwell.

Claims 3, 4, 6 and 24-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Blecher in combination with Lupien et al. U.S. patent 4,103,685.

Lupien does not add much to Blecher inasmuch as Lupien discloses a system, as best shown in Figs. 2a and 2b, that draws blood from a patient by syringe 50, and then returns the blood to the patient through a filter 12, which treats the blood. There is nothing in Lupien that suggests the collection of the fluid into a fluid collection vessel by the application of negative pressure, with the appropriate fluid paths closed and opened, or the flow of fluid from a first conduit to a second fluid collection vessel by the application of a positive pressure in the first fluid collection vessel, as set forth in claim 24.

In sum, in view of the foregoing, applicant respectfully submits that all of the claims are patentable over the prior art. Accordingly, the examiner is respectfully requested to reconsider the application and allow all of the pending claims at an early date.

Respectfully submitted,

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Date: Jan 21 2004